



ALAN WILSON
ATTORNEY GENERAL

October 19, 2021

Chief Andrew Gilreath
Director of Public Safety
P.O. Box 48
Folly Beach, SC 29439

Dear Chief Gilreath:

Attorney General Alan Wilson has referred your letter to the Opinions section. Your letter states the following:

I am requesting your opinion as to the requirements for a [low speed vehicle] to be validly licensed and operated on South Carolina roadways. According to SC state law, specifically the following:

S.C. Code § 56-2-100. Conditions for operation on street or highway.

- (A) A low speed vehicle may be operated only on a highway for which the posted speed limit is thirty-five miles an hour or less.
- (B) A low speed vehicle may cross a highway at an intersection where the highway has a posted speed limit of more than thirty-five miles an hour.
- (C) A low speed vehicle must meet the requirements of Federal Motor Vehicle Safety Standard 500 (Part 49 Section 571.500 of the Code of Federal Regulations) at all times when operated on any highway. A low speed vehicle that complies with the equipment requirements in 49 C.F.R. Section 571.500 complies with all equipment requirements of this title.
- (D) Nothing in this section prevents local governments from adopting more stringent local ordinances governing low speed vehicle operation.
- (E) A county or municipality may prohibit the operation of low speed vehicles on any street or highway if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

(F) The Department of Transportation may prohibit the operation of low speed vehicles on any street or highway if it determines that the prohibition is necessary in the interest of safety.

S.C. Code § 56-2-120. Title requirement; title applications by nonresidents; license plates.

(A) A low speed vehicle must be titled as specified in this title. The manufacturer's or importer's certificate of origin must identify clearly the vehicle as a low speed vehicle and must certify that the vehicle was manufactured in compliance with the equipment requirements for low speed vehicles in 49 C.F.R. Section 571.500. The State shall not issue vehicle identification numbers to homemade low speed vehicles, retrofitted golf carts, or any other similar vehicles, and these vehicles shall not qualify as low speed vehicles in this State.

The issue that we are running into is twofold. First, under 56-2-120, it states that the state shall not issue VINs to homemade low speed vehicles, retrofitted golf carts, or any other similar vehicles and those vehicles shall not qualify as low speed vehicles. However, that is regularly happening. Whether a lack of oversight, fraudulent paperwork by owners/upfitters, it is happening. ... My agency is receiving complaints of this happening and is requesting your opinion on the proper way to address these fraudulent LSV's from a legal standpoint.

Secondly, delving into the specific legal requirements of LSV's, the law specifically references federal requirements, those are specifically the following:

§ 571.500 Standard No. 500; Low-speed vehicles.

...

S5. Requirements.

...

(b) Each low-speed vehicle shall be equipped with:

...

(8) A windshield that conforms to the Federal motor vehicle safety standard on glazing materials (49 CFR 571.205).

[49 C.F.R. § 571.500.]

§ 571.205 Standard No. 205, Glazing materials.

S2. Purpose. The purpose of this standard is to reduce injuries resulting from impact to glazing surfaces, to ensure a necessary degree of transparency in motor vehicle windows for driver visibility, and to minimize the possibility of occupants being thrown through the vehicle windows in collisions.

...

S5. Requirements.

...

S5.4. Low speed vehicles. Windshields of low speed vehicles must meet the ANSI/SAE Z26.1–1996 specifications for either AS–1 or AS–4 glazing.

[49 C.F.R. § 571.205.]

... [T]he second request is if a fold up windshield meets this requirement.

Law/Analysis

It is this Office’s opinion that the South Carolina Code of Laws prohibits the State from issuing vehicle identification numbers (“VINs”) to homemade low speed vehicles, retrofitted golf carts, or any other similar vehicles. S.C. Code § 56-2-120(A). The Code establishes that such vehicles “shall not qualify as low speed vehicles in this State.” *Id.*¹ If a person applies to register such a vehicle as a low speed vehicle, he could be charged under S.C. Code § 56-3-390 for submitting a fraudulent application and misrepresentation of facts. Additionally, a person who operates or an owner who permits the operation of a vehicle registered and licensed in violation of section 56-3-390 may also be charged thereunder. If convicted, he would be guilty of a misdemeanor punishable by “a fine of not more than one hundred dollars or imprisonment for not more than thirty days.” S.C. Code § 56-3-2520.

As your letter notes, the second question raised involves the interpretation of federal regulations or the application of policies of a federal agency. South Carolina Code section 56-2-100(C) states that a “low speed vehicle that complies with the equipment requirements in 49 C.F.R. Section 571.500 complies with all equipment requirements of this title.” See also SC Revenue Ruling 10-6, supra (“A low speed vehicle must also meet the requirements of Federal Motor Vehicle Safety Standard 500 at all times when operated on any highway and one that that complies with the equipment requirements in 49 C.F.R. Section 571.500 is considered complying

¹ See also SC Revenue Ruling 10-6, Subject: Low Speed Vehicles (sales and Use Tax), 2010 WL 9438248, at *4 (March 23, 2010) (“Finally, a low speed vehicle does not include homemade low speed vehicles, retrofitted golf carts, or any other similar vehicles.”); Ursula Ramsey, South Carolina's Low-Speed Vehicle and Golf Cart Regulations, S.C. Law., January 2019, at 36, 38 (“Notably, the statute makes clear that retrofitted golf carts or similar vehicles do not qualify as low-speed vehicles in South Carolina and that vehicle identification numbers will not be issued to them.”).

with all equipment requirements of Title 56.”); Ursula Ramsey, South Carolina's Low-Speed Vehicle and Golf Cart Regulations, *supra* (footnotes omitted) (“NHTSA's final rule also sets forth that state and local governments could require safety equipment beyond that required by FMVSS No. 500 as long as they did not alter the performance requirements for the already-required equipment. The South Carolina statute governing low-speed vehicles does not add any new safety equipment requirements.”). As noted above, 49 C.F.R. § 571.205 requires low speed vehicle windshields to meet the ANSI/SAE Z26.1–1996 specifications for AS–1 or AS–4 glazing. This Office, however, cannot opine whether a specific windshield design complies with this standard. *See Ops. S.C. Att'y Gen.*, 2011 WL 2648714 (June 16, 2011) (“The examination of federal law and the policies of a federal agency are beyond the scope of an opinion of this Office”); 2009 WL 2406409 (July 24, 2009) (“[A]s a matter of policy, this Office does not opine on questions of federal law [and] defers [such matters] to the federal agency charged with the interpretation of the federal statute or regulation in question”). Questions regarding the interpretation of federal regulations should be directed to the agency charged with their administration; in this case, the National Highway Traffic Safety Administration within the U.S. Department of Transportation.

Sincerely,



Matthew Houck
Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Solicitor General